

Practitioner's Docket No. U 013650-0

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re/let/ct  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application  
of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_  
Title of invention

OR

In re application of: BAREND JOHANNES **DE KLERK**  
Serial No.: 09/960,221 Group No.: --  
Filed: SEPTEMBER 21, 2001 Examiner.: --  
For: INHIBITING OF EROSION OF VESSELS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

*NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).*

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is **mandatory**.  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**37 C.F.R. 1.8(a)**

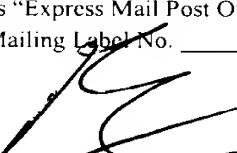
**37 C.F.R. 1.10\***

with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (**mandatory**)

**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office.

  
**Signature**

**WILLIAM R. EVANS**

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NOTE:** The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

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#### **SIGNATURE OF PRACTITIONER**

Reg. No. 25,858

**WILLIAM R. EVANS**

(type or print name of practitioner)

Tel. No.: (212) 708-1930

P.O. Address

Customer No.: 00140

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c/o Ladas & Parry  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: BAREND JOHANNES **DE KLERK**

Serial No.: 09/960,221

Group No.: --

Filed: SEPTEMBER 21, 2001

Examiner.: --

For: INHIBITING OF EROSION OF VESSELS

Attorney Docket No.: U 013650-0

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sirs:

INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached English-language version of an International-type Search Report from a foreign office in respect of counterpart International Application No. PCT/IB 00/00449 that indicates the degree of relevance found by the foreign office. The Search Report makes consideration of any non-English art required. MPEP 609.

Form PTO-1449 is also attached with reference copies.

Respectfully submitted,

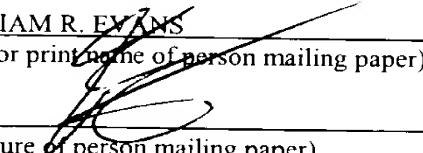
  
WILLIAM R. EVANS  
LADAS & PARRY  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NEW YORK 10023  
REG. NO. 25,858 (212)708-1930

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231

WILLIAM R. EVANS  
(Type or print name of person mailing paper)

Date: October 3, 2001

  
(Signature of person mailing paper)

FORM PTO-1449

U. S DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

U 013650-0

09/960,221

APPLICANT

BARENDE JOHANNES DE KLERK

FILING DATE

GROUP

September 21, 2001

O I P E  
OCT 05 2001  
U. S. PATENT & TRADEMARK OFFICE  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
(Use several sheets if necessary)

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	AA	3	6	4	5	7	0	0	2/1972	Nagamura et al.	23	284	
	AB	5	0	1	6	5	7	6	5/1991	Bornemann et al	122	4D	
	AC	4	9	5	4	4	0	2	9/1990	Houston	428	597	
	AD	2	7	1	1	3	0	8	6/1955	Cogan	261	113	
	AE	5	8	6	1	1	3	0	1/1999	Werhahn et al.	422	143	
	AF												
	AG												
	AH												
	AI												
	AJ												
	AK												

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION		
													YES	NO	
	AL	3	1	1	7	1	9	5	11/1982	DE					X
	AM	0	8	1	1	0	0	0	4/1996	JP					X
	AN	0	9	5	9	1	2	0	11/1999	EP					X
	AO														
	AP														

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AR	PATENT ABSTRACTS OF JAPAN OF 08110007 Dated April 30, 1996
AS	"Advances in Modelling Improve Designs" Nitrogen, No. 217 (1995) pp 26, 28, 30-31
AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.